

REMARKS

In accordance with the foregoing, new claim 46 has been added. Claims 1-4 and 23-46 are pending, with claims 1, 23, 26, 27, and 30 being independent. No new matter is presented in this Amendment and Response to Restriction Requirement.

The Examiner has required restriction between the following inventions:

- I. Claims 1-4, 23-25, and 30-45, drawn to reproducing audio/video within interactive markup document based on corresponding parental levels, classified in class 715, subclass 200.
- II. Claims 26 and 27, drawn to display processing of document content by determining whether to display the content based on its attribute (value) and associated rules (display rule information), classified in class 715, subclass 273.

However, the Examiner did not mention claims 28 and 29 in setting forth the restriction requirement, such that the restriction requirement is incomplete. Accordingly, it is submitted that claims 28 and 29 must be considered with whichever one of Inventions I and II is elected.

New dependent claim 46 depends from independent claim 27 of Invention II, and accordingly it is submitted that claim 46 should be included in Invention II.

The restriction requirement is traversed for at least the following reasons.

The Examiner considers Inventions I and II to be distinct for the reasons set forth on pages 2 and 3 of the Office Action of September 18, 2009. However, it is submitted that Inventions I and II are not distinct for at least the following reasons.

The Examiner considers Inventions I and II to be related as subcombinations disclosed as usable together in a single combination. The Examiner states as follows (emphasis added):

The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as primarily focusing reproducing multimedia content within interactive markup documents based on the content/document's parental levels while subcombination II focusing on displaying processing of document content in which of determining whether to display the content based on its attribute (value) and associated rules (display rule information). See MPEP § 806.05(d).

However, it is submitted that Inventions I and II do in fact overlap in scope because independent claim 30 of Invention I recites the following features:

a controller to output a control signal to the reader to control the reader to read AV data and a mark-up document from the data storage medium, the mark-up document comprising interactive contents corresponding to a plurality of different parental levels;

wherein, in an interactive mode, the controller interprets the mark-up document according to a parental level set by the user,

and dependent claim 46 of Invention II recites the following features:

the value of each of the elements corresponds to a parental level allotted to the element, the parental level being one of a plurality of different parental levels;

the display rule information indicates the values of elements that are not to be displayed for each of the plurality of different parental levels; and

the presentation engine individually determines whether to display each of the elements depending on the values of the elements, the display rule information, and a parental level set by a user, the set parental level being one of the plurality of different parental levels, and interprets the mark-up document based on a result of the individually determining.

Accordingly, it is submitted that Inventions I and II are not distinct pursuant to MPEP 806.05(d), and it is respectfully requested that the requirement for restriction between Inventions I and II be withdrawn, and that all of claims 1-4 and 23-46 be considered on the merits.

Provisional Election With Traverse

However, in order to provide a complete response to the restriction requirement, the applicants hereby elect with traverse Invention I (claims 1-4, 23-25, and 30-45) for examination, together with claims 28 and 29 that were not mentioned by the Examiner in setting forth the restriction requirement. Furthermore, since claims 28 and 29 depend directly or indirectly from independent claim 27 of Invention II, it is submitted that the Examiner is also required to consider claim 27 because the Examiner cannot consider claims 28 and 29 without also considering claim 27 from which claims 28 and 29 directly or indirectly depend. Further since the Examiner is required to consider claim 27, it is submitted that the Examiner is also required

to consider claim 46 depending from claim 27, at least because claim 46 overlaps in scope with at least claim 30 of Invention I as discussed above.

Accordingly, for at least the reasons discussed above, it is respectfully requested that claims 1-4, 23-25, and 27-46 be considered on the merits even if the restriction requirement is maintained.

Conclusion

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

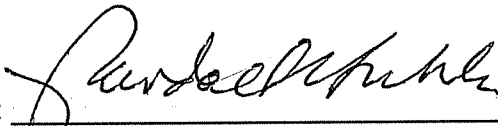
Respectfully submitted,

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